

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
FACSIMILE: 1-212-558-3588
WWW.SULLCROM.COM

125 Broad Street
New York, New York 10004-2498

LOS ANGELES • PALO ALTO • WASHINGTON, D.C.

BRUSSELS • FRANKFURT • LONDON • PARIS

BEIJING • HONG KONG • TOKYO

MELBOURNE • SYDNEY

MEMO ENDORSED

July 19, 2021

Via ECF

The Honorable Sidney H. Stein,
U.S. District Court, Southern District of New York,
Daniel Patrick Moynihan U.S. Courthouse,
500 Pearl Street,
New York, New York 10007-1312.

Re: *United States v. Cheedie*, 19-CR-833 (S.D.N.Y.)

Dear Judge Stein:

I write on behalf of defendant Joseph Ciaccio to request an adjournment of his sentencing hearing, currently scheduled for August 2, 2021, until August 23, 2021 or any day thereafter convenient to the Court. In light of the issues described below, a further adjournment may be necessary, but I am hopeful that the parties can work through the open issues by August 23.

As the Court will recall, during our July 7, 2021 conference, the Court requested the parties' assistance in understanding the medical issues and options available with respect to sentencing of Mr. Ciaccio, who suffers regular, life-threatening, emergency complications from a motorcycle injury that also left him paraplegic and unable to care for himself. I have been investigating Mr. Ciaccio's current medical needs and prognosis, consulting with the medical professionals responsible for his care, and reviewing with other attorneys their experience with clients at Bureau of Prisons medical facilities. I am profoundly concerned for Mr. Ciaccio's safety and ability to take steps toward any measure of physical recovery should he be ordered to reside in a facility that is not uniquely equipped to meet, and focused on, his extreme condition and need for specialized interventions on short and unpredictable timeframes. Indeed, in his plea agreement, the parties recognized these extreme and unusual conditions in authorizing Mr. Ciaccio to seek a departure at sentencing under U.S.S.G. § 5H1.4.

At the same time, I understand the Government is evaluating the facts and its position on the appropriate sentence in this case. As we each learn more, the Government and I plan to continue discussing our approach to sentencing, including whether the parties can reach agreement on an appropriate recommendation for the Court to consider. We

The Honorable Sidney H. Stein

-2-

expect to know in the next few weeks whether we will be in agreement. If we cannot reach agreement, I may request a further adjournment to address any relevant open issues, including by retaining a medical expert to assist in the analysis.

Respectfully submitted,

SULLIVAN & CROMWELL LLP

By: Nicole Friedlander / TAC

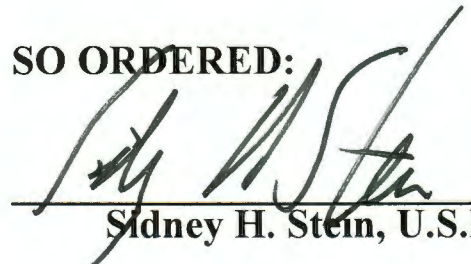
Nicole Friedlander

Attorney for Defendant Joseph Ciaccio

**The sentencing is adjourned to September 17, 2021, at 4:00 p.m.
Defense submissions are due by September 3, government
submissions are due by September 10.**

**Dated: New York, New York
July 20, 2021**

SO ORDERED:



Sidney H. Stein, U.S.D.J.